

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Lisa Whiting-Thompson, as Parent
and Next Friend of Travis Whiting,
and Lisa Whiting-Thompson, Individually

v.

Civil No. 06-cv-86-JD

Robert V. Dallas, M.D., Paul Rummo, D.O.,
and Littleton Orthopaedics, P.D.

PROCEDURAL ORDER

Pursuant to Local Rule 17.1, the court has reviewed the plaintiffs' assented to petition for approval of settlement on behalf of a minor, the plaintiffs' assented to motion requesting approval of attorneys fees, and the plaintiffs' assented to supplemental motion in support of assented to motion requesting approval of attorneys fees, along with the exhibits attached thereto.

The court grants the plaintiffs' petition, approves the settlement terms set forth in the petition, and grants the plaintiffs' motion and supplemental motion requesting approval of attorneys fees. The court finds that there is good cause to approve attorneys fees as submitted, due to the complex nature of this malpractice case, the fact that liability was contested and very much an issue, the risk, uncertainty and expense undertaken

by counsel in prosecuting the case, counsel's skill and trial experience, and the time expended in achieving a favorable result.

The parties are ordered to comply with all of the terms and conditions as set forth in the petition. The court retains jurisdiction of this case in order to enforce the terms and conditions of the petition should that become necessary.

The parties have moved to seal the petition and the motion and supplemental motion for attorneys fees, in perpetuity, because there exists a confidentiality agreement between the parties. Absent extraordinary circumstances, which based on information currently available to the court do not exist in this case, the court will not seal the documents. In lieu of sealing the documents and in order to preserve the confidentiality agreement between the parties, the petition for approval of settlement, the motion and supplemental motion requesting approval of attorneys fees, and the joint motions to seal these documents will be returned to counsel for the plaintiff.

The parties shall have thirty days to comply with Local Rule 41.1.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

August 16, 2007

cc: Peter J. Duffy, Esquire
Steven E. Hengen, Esquire
Patrick T. Jones, Esquire
Michael A. Pignatelli, Esquire